

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

ELGIN SEPARATION
SOLUTIONS, LLC,

Plaintiff,

v.

Civil Action No.: 2:23-cv-00440

DAVID CHADWICK DILLON, DILLON
INDUSTRIES, INC. and DONALD
RITCHIE,

Defendants.

ANSWER OF DONALD RITCHIE

Now Comes Defendant Donald Ritchie by and through his attorneys Scott H. Kaminski and the law firm of Ray, Winton & Kelley, PLLC, and Answers Plaintiff's Complaint as follows:

1. Paragraph 1 of the Complaint does not state any facts but rather a recitation of the purported purpose of the lawsuit and therefore, no response is required of Ritchie but to the extent a response is required, Ritchie denies the allegations contained in Paragraph 1 of the Complaint.

2. The allegations contained in Paragraph 2 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 2 of the Complaint.

3. In response to Paragraph 3 of the Complaint, Ritchie denies having been involved in any "scheme" and further

denies that he was a senior draftsman. Ritchie denies having downloaded thousands of Eglin's files before resigning from Elgin and going to work for Dillon and further denies having used any of Elgin's confidential, proprietary, and trade secret information while working for Dillon.

4. Ritchie denies the allegations contained in Paragraph 4 of the Complaint.

5. The allegations contained in Paragraph 5 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 5 of the Complaint.

6. The allegations contained in Paragraph 6 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 6 of the Complaint.

7. The allegations contained in Paragraph 7 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 7 of the Complaint.

8. The allegations contained in Paragraph 8 of the Complaint do not pertain to Ritchie and therefore no response is

required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 8 of the Complaint.

9. The allegations contained in Paragraph 9 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 9 of the Complaint.

10. The allegations contained in Paragraph 10 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 10 of the Complaint.

11. In response to the allegations contained in Paragraph 11 of the Complaint, Ritchie denies that he was a draftsman and production administrator for Elgin but admits that he resides in Huntington, West Virginia and that he is a citizen of West Virginia.

12. The allegations contained in Paragraph 12 contain legal conclusions to which no response is required of Ritchie.

13. The allegations contained in Paragraph 13 contain legal conclusions to which no response is required of Ritchie.

14. The allegations contained in Paragraph 14 contain legal conclusions to which no response is required of Ritchie except that Ritchie denies having caused Elgin any damages.

15. The allegations contained in Paragraph 15 contain legal conclusions to which no response is required of Ritchie.

16. The allegations contained in Paragraph 16 contain legal conclusions to which no response is required of Ritchie.

17. In response to the allegations contained in Paragraph 17 of the Complaint, Ritchie admits that the Court has personal jurisdiction over him as a resident of West Virginia but denies having performed any wrongful conduct in West Virginia or anywhere else.

18. The allegations contained in Paragraph 18 of the Complaint pertaining to venue state legal conclusions to which no response is required of Ritchie but Ritchie denies having hatched or executed any unlawful misappropriation or solicitation.

19. The allegations contained in Paragraph 19 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 19 of the Complaint.

20. The allegations contained in Paragraph 20 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 20 of the Complaint.

21. The allegations contained in Paragraph 21 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 21 of the Complaint.

22. Ritchie admits the allegations contained in Paragraph 22 of the Complaint.

23. The allegations contained in Paragraph 23 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 23 of the Complaint.

24. The allegations contained in Paragraph 24 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 24 of the Complaint.

25. The allegations contained in Paragraph 25 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 25 of the Complaint.

26. The allegations contained in Paragraph 26 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 26 of the Complaint.

27. The allegations contained in Paragraph 27 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 27 of the Complaint.

28. The allegations contained in Paragraph 28 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 28 of the Complaint.

29. The allegations contained in Paragraph 29 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 29 of the Complaint.

30. The allegations contained in Paragraph 30 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 30 of the Complaint.

31. The allegations contained in Paragraph 31 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 31 of the Complaint.

32. The allegations contained in Paragraph 32 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 32 of the Complaint.

33. The allegations contained in Paragraph 33 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 33 of the Complaint.

34. The allegations contained in Paragraph 34 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 34 of the Complaint.

35. The allegations contained in Paragraph 35 of the Complaint do not pertain to Ritchie and therefore no response is

required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 35 of the Complaint.

36. The allegations contained in Paragraph 36 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 36 of the Complaint.

37. The allegations contained in Paragraph 37 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 37 of the Complaint.

38. The allegations contained in Paragraph 38 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 38 of the Complaint.

39. The allegations contained in Paragraph 39 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 39 of the Complaint.

40. The allegations contained in Paragraph 40 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 40 of the Complaint.

41. The allegations contained in Paragraph 41 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 41 of the Complaint.

42. The allegations contained in Paragraph 42 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 42 of the Complaint.

43. The allegations contained in Paragraph 43 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 43 of the Complaint.

44. The allegations contained in Paragraph 44 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 44 of the Complaint.

45. The allegations contained in Paragraph 45 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 45 of the Complaint.

46. The allegations contained in Paragraph 46 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 46 of the Complaint except that Ritchie denies that the work that he performed for Elgin was confidential and proprietary.

47. The allegations contained in Paragraph 47 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 47 of the Complaint.

48. The allegations contained in Paragraph 48 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 48 of the Complaint.

49. The allegations contained in Paragraph 49 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 49 of the Complaint.

50. The allegations contained in Paragraph 50 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 50 of the Complaint.

51. The allegations contained in Paragraph 51 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 51 of the Complaint.

52. The allegations contained in Paragraph 52 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 52 of the Complaint.

53. The allegations contained in Paragraph 53 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 53 of the Complaint.

54. The allegations contained in Paragraph 54 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 54 of the Complaint.

55. The allegations contained in Paragraph 55 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 55 of the Complaint.

56. The allegations contained in Paragraph 56 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 56 of the Complaint.

57. The allegations contained in Paragraph 57 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 57 of the Complaint.

58. The allegations contained in Paragraph 58 of the Complaint do not pertain to Ritchie and therefore no response is

required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 58 of the Complaint.

59. The allegations contained in Paragraph 59 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 59 of the Complaint except that Ritchie denies that the work that he performed for Elgin was confidential and proprietary.

60. The allegations contained in Paragraph 60 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 60 of the Complaint.

61. With respect to the allegations contained in Paragraph 61 of the Complaint, Ritchie denies that any Elgin Employee Handbook was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

62. With respect to the allegations contained in Paragraph 62 of the Complaint, Ritchie denies that any Elgin Employee Handbook was distributed to him and therefore lacks

knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

63. With respect to the allegations contained in Paragraph 63 of the Complaint, Ritchie denies that any Elgin Employee Handbook was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

64. With respect to the allegations contained in Paragraph 64 of the Complaint, Ritchie denies that any Elgin Employee Handbook was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

65. With respect to the allegations contained in Paragraph 65 of the Complaint, Ritchie denies that any Elgin Employee Handbook was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

66. With respect to the allegations contained in Paragraph 66 of the Complaint, Ritchie denies that any Elgin Code of Conduct was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

67. With respect to the allegations contained in Paragraph 67 of the Complaint, Ritchie denies that any Elgin Code

of Conduct was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

68. With respect to the allegations contained in Paragraph 68 of the Complaint, Ritchie denies that any Elgin Code of Conduct was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

69. With respect to the allegations contained in Paragraph 69 of the Complaint, Ritchie denies that any Elgin Code of Conduct was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to its content.

70. With respect to the allegations contained in Paragraph 70 of the Complaint, Ritchie denies that any Elgin Employee Handbook or Code of Conduct was distributed to him and therefore lacks knowledge sufficient to admit or deny the remaining allegations pertaining to their content.

71. With respect to the allegations contained in Paragraph 71 of the Complaint, what constitutes intellectual property is a legal conclusion to which no response is required of Ritchie, however Ritchie admits that the drawings contained the label referenced in Paragraph 71 of the Complaint.

72. Ritchie denies the allegations contained in Paragraph 72 of the Complaint.

73. With respect to the allegations contained in Paragraph 73 of the Complaint, Ritchie lacks knowledge sufficient to admit or deny what all Elgin employees were provided but admits that he was provided a desktop that later was replaced by a laptop.

74. With respect to the allegations contained in Paragraph 74 of the Complaint, Ritchie admits that he used usernames and passwords but lacks knowledge of the reasons he was required to use them by Elgin and denies that his work was confidential or trade secret.

75. Ritchie denies the allegations contained in Paragraph 75 of the Complaint.

76. Ritchie denies the allegations contained in Paragraph 76 of the Complaint.

77. Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 77 of the Complaint.

78. Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 78 of the Complaint.

79. The allegations contained in Paragraph 79 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 79 of the Complaint.

80. The allegations contained in Paragraph 80 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 80 of the Complaint.

81. The allegations contained in Paragraph 81 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 81 of the Complaint.

82. With respect to the allegations contained in Paragraph 82 of the Complaint, Ritchie admits his start date of employment with Elgin but denies that his position was draftsman or that it later became production administrator.

83. With respect to the allegations contained in Paragraph 83 of the Complaint, Ritchie admits that his position included creating and modifying drawings but denies that he incorporated the results of Inspection Analyses to improve the equipment depicted. Ritchie admits that he created maintenance and operation manuals and performed some limited procurement, but denies that he issues work orders.

84. Ritchie denies the allegations contained in Paragraph 84 of the Complaint.

85. The allegations contained in Paragraph 85 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 85 of the Complaint.

86. The allegations contained in Paragraph 86 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 86 of the Complaint.

87. The allegations contained in Paragraph 87 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 87 of the Complaint.

88. The allegations contained in Paragraph 88 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 88 of the Complaint.

89. With respect to the allegations contained in Paragraph 89 of the Complaint, Ritchie lacks knowledge sufficient to admit or deny the allegations as they pertain to Dillon but

denies that he helped create any Elgin 24x60-LH Centrifuge Operation and Maintenance Manual.

90. Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 90 of the Complaint.

91. Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 91 of the Complaint.

92. The allegations contained in Paragraph 92 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 92 of the Complaint.

93. The allegations contained in Paragraph 93 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 93 of the Complaint.

94. Ritchie admits the allegations contained in Paragraph 94 of the Complaint.

95. Ritchie admits the allegations contained in Paragraph 95 of the Complaint.

96. Ritchie admits the allegations contained in Paragraph 96 of the Complaint.

97. The allegations contained in Paragraph 97 of the Complaint do not pertain to Ritchie and therefore no response is

required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 97 of the Complaint.

98. The allegations contained in Paragraph 98 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 98 of the Complaint.

99. The allegations contained in Paragraph 99 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 99 of the Complaint.

100. The allegations contained in Paragraph 100 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 100 of the Complaint.

101. The allegations contained in Paragraph 101 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 101 of the Complaint.

102. The allegations contained in Paragraph 102 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 102 of the Complaint.

103. With respect to the allegations contained in Paragraph 103 of the Complaint, Ritchie lacks knowledge sufficient to admit or deny the allegations as they pertain to other parties to this matter. Ritchie admits that in January of 2023, he left Elgin to work for Dillon but denies that he was a draftsman and production administrator for Elgin. Further, responding to the allegations contained in footnote 3, Ritchie denies the allegations contained therein.

104. The allegations contained in Paragraph 104 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 104 of the Complaint.

105. The allegations contained in Paragraph 105 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 105 of the Complaint.

106. Ritchie admits the allegations contained in Paragraph 106 of the Complaint.

107. Ritchie admits the allegations contained in Paragraph 107 of the Complaint.

108. Ritchie denies the allegations contained in Paragraph 108 of the Complaint.

109. With respect to the allegations contained in Paragraph 109 of the Complaint, Ritchie admits that he downloaded his drawings but not Inspection Analyses.

110. Ritchie admits the allegations contained in Paragraph 110 of the Complaint.

111. With respect to the allegations contained in Paragraph 111 of the Complaint, Ritchie admits that he returned a second hard drive to Elgin but denies that it contained massive amounts of Elgin data and further denies that at least 12 devices containing Elgin's proprietary, confidential, and trade secret information remain in his possession.

112. Ritchie denies the allegations contained in Paragraph 112 of the Complaint.

113. The allegations contained in Paragraph 113 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 113 of the Complaint.

114. The allegations contained in Paragraph 114 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 114 of the Complaint.

115. The allegations contained in Paragraph 115 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 115 of the Complaint.

116. The allegations contained in Paragraph 116 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 116 of the Complaint.

117. The allegations contained in Paragraph 117 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 117 of the Complaint.

118. The allegations contained in Paragraph 118 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 118 of the Complaint.

119. The allegations contained in Paragraph 119 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 119 of the Complaint.

120. The allegations contained in Paragraph 120 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 120 of the Complaint.

121. The allegations contained in Paragraph 121 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 121 of the Complaint.

122. The allegations contained in Paragraph 122 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 122 of the Complaint.

123. The allegations contained in Paragraph 123 of the Complaint do not pertain to Ritchie and therefore no response is

required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 123 of the Complaint.

124. The allegations contained in Paragraph 124 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 124 of the Complaint.

125. The allegations contained in Paragraph 125 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 125 of the Complaint.

126. The allegations contained in Paragraph 126 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 126 of the Complaint.

127. With respect to the allegations contained in Paragraph 127 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 127 of the Complaint pertain to Ritchie, he denies them.

128. With respect to the allegations contained in Paragraph 128 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 128 of the Complaint pertain to Ritchie, he denies them.

129. The allegations contained in Paragraph 129 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 129 of the Complaint.

130. Ritchie admits the allegations contained in Paragraph 130 of the Complaint.

131. Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 131 of the Complaint.

132. Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 132 of the Complaint.

133. With respect to the allegations contained in Paragraph 133 of the Complaint, Ritchie admits to downloading his drawings but denies that he downloaded vast amounts of Elgin information and further denies that he downloaded any of Elgin's confidential or trade secret information.

134. With respect to the allegations contained in Paragraph 134 of the Complaint, Ritchie admits having connected other devices to his Elgin laptop but denies that anything on those

devices are confidential, proprietary or trade secret information of Elgin.

135. The allegations contained in Paragraph 135 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 135 of the Complaint.

136. The allegations contained in Paragraph 136 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 136 of the Complaint.

137. The allegations contained in Paragraph 137 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 137 of the Complaint.

138. With respect to the allegations contained in Paragraph 138 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 138 of the Complaint pertain to Ritchie, he denies them.

139. With respect to the allegations contained in Paragraph 139 of the Complaint, to the extent they pertain to other

parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 139 of the Complaint pertain to Ritchie, he denies them.

140. The allegations contained in Paragraph 140 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 140 of the Complaint.

141. With respect to the allegations contained in Paragraph 141 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 141 of the Complaint pertain to Ritchie, he denies them.

142. With respect to the allegations contained in Paragraph 142 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 142 of the Complaint pertain to Ritchie, he denies them.

143. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 143 of the Complaint.

144. Paragraph 144 of the Complaint states a legal conclusion to which no response is required of Ritchie but to the

extent a response is required Ritchie denies the allegations contained in Paragraph 144 of the Complaint.

145. Ritchie denies the allegations contained in Paragraph 145 of the Complaint.

146. Ritchie denies the allegations contained in Paragraph 146 of the Complaint.

147. Ritchie denies the allegations contained in Paragraph 147 of the Complaint.

148. With respect to the allegations contained in Paragraph 148 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 148 of the Complaint pertain to Ritchie, he denies them.

149. With respect to the allegations contained in Paragraph 149 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 149 of the Complaint pertain to Ritchie, he denies them.

150. With respect to the allegations contained in Paragraph 150 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 150 of the Complaint pertain to Ritchie, he denies them.

151. With respect to the allegations contained in Paragraph 151 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 151 of the Complaint pertain to Ritchie, he denies them.

152. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 152 of the Complaint.

153. Paragraph 153 of the Complaint states a legal conclusion to which no response is required of Ritchie but to the extent a response is required Ritchie denies the allegations contained in Paragraph 153 of the Complaint.

154. Ritchie denies the allegations contained in Paragraph 154 of the Complaint.

155. Ritchie denies the allegations contained in Paragraph 155 of the Complaint.

156. Ritchie denies the allegations contained in Paragraph 156 of the Complaint.

157. With respect to the allegations contained in Paragraph 157 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 157 of the Complaint pertain to Ritchie, he denies them.

158. With respect to the allegations contained in Paragraph 158 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 158 of the Complaint pertain to Ritchie, he denies them.

159. With respect to the allegations contained in Paragraph 159 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 159 of the Complaint pertain to Ritchie, he denies them.

160. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 160 of the Complaint.

161. Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 161 of the Complaint.

162. The allegations contained in Paragraph 162 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 162 of the Complaint.

163. The allegations contained in Paragraph 163 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 163 of the Complaint.

164. The allegations contained in Paragraph 164 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 164 of the Complaint.

165. The allegations contained in Paragraph 165 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 165 of the Complaint.

166. The allegations contained in Paragraph 166 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 166 of the Complaint.

167. The allegations contained in Paragraph 167 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 167 of the Complaint.

168. With respect to the allegations contained in Paragraph 168 of the Complaint, to the extent they pertain to other

parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 168 of the Complaint pertain to Ritchie, he denies them.

169. The allegations contained in Paragraph 169 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 169 of the Complaint.

170. The allegations contained in Paragraph 170 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 170 of the Complaint.

171. The allegations contained in Paragraph 171 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 171 of the Complaint.

172. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 172 of the Complaint.

173. The allegations contained in Paragraph 173 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 173 of the Complaint.

174. The allegations contained in Paragraph 174 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 174 of the Complaint.

175. The allegations contained in Paragraph 175 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 175 of the Complaint.

176. The allegations contained in Paragraph 176 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 176 of the Complaint.

177. The allegations contained in Paragraph 177 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 177 of the Complaint.

178. The allegations contained in Paragraph 178 of the Complaint do not pertain to Ritchie and therefore no response is

required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 178 of the Complaint.

179. With respect to the allegations contained in Paragraph 179 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 179 of the Complaint pertain to Ritchie, he denies them.

180. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 180 of the Complaint.

181. The allegations contained in Paragraph 181 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 181 of the Complaint.

182. The allegations contained in Paragraph 182 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 182 of the Complaint.

183. The allegations contained in Paragraph 183 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 183 of the Complaint.

184. The allegations contained in Paragraph 184 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 184 of the Complaint.

185. The allegations contained in Paragraph 185 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 185 of the Complaint.

186. The allegations contained in Paragraph 186 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 186 of the Complaint.

187. The allegations contained in Paragraph 187 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 187 of the Complaint.

188. The allegations contained in Paragraph 188 of the Complaint do not pertain to Ritchie and therefore no response is

required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 188 of the Complaint.

189. The allegations contained in Paragraph 189 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 189 of the Complaint.

190. The allegations contained in Paragraph 190 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 190 of the Complaint.

191. The allegations contained in Paragraph 191 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 191 of the Complaint.

192. With respect to the allegations contained in Paragraph 192 of the Complaint, to the extent they pertain to other parties, Ritchie lacks knowledge sufficient to admit or deny those allegations. To the extent the allegations contained in Paragraph 192 of the Complaint pertain to Ritchie, he denies them.

193. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 193 of the Complaint.

194. The allegations contained in Paragraph 194 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 194 of the Complaint.

195. The allegations contained in Paragraph 195 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 195 of the Complaint.

196. The allegations contained in Paragraph 196 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 196 of the Complaint.

197. The allegations contained in Paragraph 197 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 197 of the Complaint.

198. The allegations contained in Paragraph 198 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 198 of the Complaint.

199. The allegations contained in Paragraph 199 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 199 of the Complaint.

200. The allegations contained in Paragraph 200 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 200 of the Complaint.

201. The allegations contained in Paragraph 201 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 201 of the Complaint.

202. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 202 of the Complaint.

203. The allegations contained in Paragraph 203 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 203 of the Complaint.

204. The allegations contained in Paragraph 204 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 204 of the Complaint.

205. The allegations contained in Paragraph 205 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 205 of the Complaint.

206. The allegations contained in Paragraph 206 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 206 of the Complaint.

207. The allegations contained in Paragraph 207 of the Complaint do not pertain to Ritchie and therefore no response is required of him but to the extent a response is required Ritchie

lacks knowledge sufficient to admit or deny the allegations contained in Paragraph 207 of the Complaint.

208. Ritchie incorporates herein by reference his responses to those Paragraphs incorporated into Paragraph 208 of the Complaint.

209. With respect to the allegations contained in Paragraph 209 of the Complaint, Ritchie admits that he was an employee of Elgin but denies that he had information related to Elgin's confidential engineering and redesign projects or that he was entrusted with confidential information or trade secrets.

210. Ritchie denies the allegations contained in Paragraph 210 of the Complaint.

211. Ritchie denies the allegations contained in Paragraph 211 of the Complaint.

212. Ritchie denies the allegations contained in Paragraph 212 of the Complaint.

213. Ritchie denies the allegations contained in Paragraph 213 of the Complaint.

214. Ritchie denies the allegations contained in Paragraph 211 of the Complaint.

AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim against Ritchie and should be dismissed pursuant to FRCP 12(b)(6).

2. Any allegations contained in the Complaint not specifically admitted herein are hereby expressly denied including those contained in the Prayer for Relief.

3. Ritchie denies that he is guilty of any act or omission proximately causing or contributing to the damages complained of in the Complaint.

4. Ritchie expressly denies that he breached any duty owed to the Plaintiff or that he deliberately intended to cause any injury to Plaintiff.

5. The damages complained of by the Plaintiff were the result of an intervening and/or superseding cause and/or Plaintiff's own acts or omissions.

6. Ritchie hereby asserts the defense of the statute of limitations as well as insufficient and improper service of process so as to assert the same should they prove applicable through the course of discovery in this matter.

7. Ritchie denies that the Plaintiff is entitled to judgment against him, and further denies that Plaintiff is entitled to recover pre-judgment interest, post judgment interest, attorney's fees, costs, litigation expenses, emotional or mental distress, annoyance or inconvenience, or punitive damages associated with this litigation.

8. Ritchie affirmatively raises and asserts the defenses of modified comparative negligence, breach of contract,

anticipatory breach of contract, assumption of the risk, laches, estoppel, and any other affirmative defense, the basis for which may come to light through the discovery process.

9. Ritchie hereby reserves unto himself the right to assert such claims, whether they may be counterclaims, cross-claims, third-party claims, or otherwise as investigation and discovery may prove applicable.

10. Ritchie hereby reserve unto himself the right to have fault apportioned among any and all potential wrongdoers and further reserves unto itself the right to offset, contribution, or indemnification from any other party which may be determined to be at fault or otherwise responsible for the damages complained of in the Complaint.

11. Plaintiff's claim for punitive damages violate both the West Virginia and United States Constitutions.

12. Having limited knowledge of the facts relied upon by Plaintiff, Ritchie reserves his right to assert any and all affirmative defenses permissible under FRCP 8, 9 and 12 which may be supported by subsequent discovery.

14. Ritchie denies all liability to Plaintiff.

WHEREFORE, Donald Ritchie respectfully requests that this Court enter judgment in his favor and against Plaintiff and award attorneys' fees and costs associated with defending this

action and such additional relief as the Court may deem just and proper.

DONALD RITCHIE DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

DONALD RITCHIE

By Counsel

s/Scott H. Kaminski
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

ELGIN SEPARATION
SOLUTIONS, LLC,

Plaintiff,

v.

Civil Action No.: 2:23-cv-00440

DAVID CHADWICK DILLON, DILLON
INDUSTRIES, INC. and DONALD
RITCHIE,

Defendants.

CERTIFICATE OF SERVICE

I, Scott H. Kaminski, counsel for Donald Ritchie certify that I served a true and correct copy of the foregoing **ANSWER OF DONALD RITCHIE** by CM/ECF which will automatically cause an electronic copy to be delivered to the following counsel of record on this 18th day of July 2023:

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s/Scott H. Kaminski
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